

#5

REISSUE LITIGATION  
Attorney Docket  
No. 65278

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): CAPLAN et al.

Reissue of  
Patent No.: 5,667,291

Issued: September 16, 1997

Title: ILLUMINATION ASSEMBLY FOR  
DENTAL AND MEDICAL  
APPLICATIONS

Examiner:

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REISSUE DECLARATION

Assistant Commissioner of Patents  
and Trademarks  
Box 7  
Washington, D.C. 20231

Sir:

We, Charles H. Caplan and Frederick N. Bushroe,  
citizens of the United States of America, declare that:

1. Our residence, post office address and  
citizenship are as stated below next to our names.

2. On information and belief, the entire title to  
U.S. Letters Patent No. 5,667,291, entitled, "Illumination  
Assembly for Dental and Medical Applications," which issued  
September 16, 1997, is vested in SURGICAL ACUITY, INC.

3. We verily believe that we are the original,  
first and joint inventors of the subject matter described and  
claimed in U.S. Letters Patent No. 5,667,291 granted on  
September 16, 1997 and in the attached specification and  
claims for which invention we solicit a reissue patent.

REISSUE LITIGATION  
Atty. Dkt. No. 65278

4. We do not know and do not believe that the invention was ever known or used in the United States before our invention thereof.

5. We hereby state that we have reviewed and understand the contents of the attached specification and claims, and the claims being added by this reissue application.

6. We acknowledge our duty to disclose information which is material to the examination of this application in accordance with Section 1.56(a) of Title 37, Code of Federal Regulations.

7. We believe the original patent to be wholly or partly inoperative or invalid because of error, without deceptive intent, by reason of claiming less than we had a right to claim. More specifically, we believe that the original claims 1-20 are too narrow or imprecise in the following respects: independent claims 21, 22 and 36 and their dependent claims are added with this reissue application to more particularly define the invention to expressly claim "only a single lens".

Original claims 1-20 are directed to an illumination assembly that includes a light guide, a housing, an aspheric lens, and an attachment means. Independent claim 23 and its dependent claims are added with this reissue application to more broadly claim an illumination assembly that includes a light guide and a housing.

8. All errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on our part.

REISSUE LITIGATION  
Atty. Dkt. No. 65278

9. We also declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements an the lake so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

10. A Power of Attorney was filed previously in U.S. Patent No. 5,667,291 and a copy of that Power is enclosed.

\_\_\_\_\_  
Charles H. Caplan  
Address:

Date: \_\_\_\_\_

\_\_\_\_\_  
Frederick N. Bushroe  
Address:

Date: \_\_\_\_\_

PATENT APPLICATION

Attorney Docket No. 65696  
Date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Caplan, et al.  
Application No.: 08/447,357  
Filed: May 23, 1995  
For: ILLUMINATION ASSEMBLY  
FOR DENTAL AND MEDICAL  
APPLICATIONS  
Patent No.: 5,667,291  
Issue Date: September 16, 1997

CERTIFICATE OF MAILING

I hereby certify that this paper is being  
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as first class mail in an envelope addressed  
to: Commissioner of Patents and Trademarks,  
Washington, D.C. 20231, on this date.

3/31/99 John S. Paniaguas  
Date Registration No. 31,051  
Attorney for Applicant(s)

POWER OF ATTORNEY BY ASSIGNEE

Commissioner of Patents and Trademarks  
ATTENTION: Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Sir:

Revoking any and all powers of attorney and authorizations of  
agent heretofore made in respect to this application, the Assignee of this  
application hereby appoints the following as its attorneys, with full power  
of substitution and revocation, to prosecute this application and to  
transact all business in the United States Patent and Trademark Office  
connected therewith, and requests that all correspondence in respect to  
this application be directed to FITCH, EVEN, TABIN & FLANNERY, Suite 1600,  
120 South LaSalle Street, Chicago, Illinois 60603-3406, Telephone Number  
(312) 577-7000, Facsimile Number (312) 577-7007:

<u>Registered Practitioner</u>	<u>Registration Number</u>	<u>Registered Practitioner</u>	<u>Registration Number</u>
Morgan L. Fitch, Jr.	17,023	Mark W. Hetzler	38,183
Francis A. Even	16,880	Timothy P. Maloney	38,233
Julius Tabin	16,754	Thomas F. Lebans	38,221
John F. Flannery	19,759	Donald A. Peterson	18,647
Robert B. Jones	20,135	James R. McBride	24,275
James J. Schumann	20,856	Bruce R. Mansfield	29,086
James J. Hamill	19,958	Mark A. Hamill	37,145
Timothy E. Levstik	30,192	Perry J. Hoffman	37,150
Joseph E. Shipley	31,137	James P. Krueger	35,234
Robert J. Fox	27,635	Steven S. Favakeh	36,798
Kenneth H. Samples	25,747	Jay A. Saltzman	38,293
Philip T. Petti	31,651		
John S. Paniaguas	31,051		
Richard A. Kaba	30,562		
Karl R. Fink	34,161		

(Signature)

Brian Wilt

(Printed Name)

Vice President

(Title)

REISSUE LITIGATION  
ATTORNEY DOCKET  
No. 62578

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

For Reissue of United States  
Letters Patent No. 5,667,291

Inventor: Caplan et al.

Title: ILLUMINATION ASSEMBLY FOR  
DENTAL AND MEDICAL  
APPLICATIONS

Issued: September 16, 1997

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)

ASSENT OF ASSIGNEE TO REISSUE

SURGICAL ACUITY, INC., the assignee of the entire title  
and interest in United States Patent No. 5,667,291 hereby assents  
to the filing of the above-captioned application for reissue of  
said U.S. Patent No. 5,667,291.

SURGICAL ACUITY, INC.

Dated: \_\_\_\_\_ By: \_\_\_\_\_  
Brian L. Wilt

Title: Vice President of Operations  
Surgical Acuity, Inc.

SCANNED

REISSUE LITIGATION  
Attorney Docket  
No. 65278

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

For Reissue of United States  
Letters Patent No. 5,667,291

Inventor: Caplan et al.

Title: ILLUMINATION ASSEMBLY FOR  
DENTAL AND MEDICAL APPLICATIONS

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REQUEST FOR TRANSFER OF DRAWINGS  
UNDER 37 C.F.R. § 1.174

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. §1.174, Applicant hereby requests  
that the drawings upon which original U.S. Patent No. 5,667,291 was  
issued be transferred to this application. Submitted with the  
reissue application, as filed, are temporary informal drawings  
consisting of copies of the printed drawings of the patent.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By:

*John S. Paniaguas*  
John S. Paniaguas  
Registration No. 31,051

Date: 07 April 99

120 South LaSalle Street, Suite 1600  
Chicago, IL 60603-4277  
(312) 577-7000

REISSUE LITIGATION

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NO. 65278

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

For Reissue of United States  
Letters Patent No. 5,667,291

Inventor: Caplan et al.

Title: ILLUMINATION ASSEMBLY FOR  
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Issued: September 16, 1997

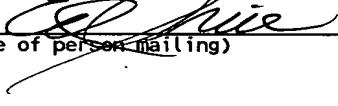
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(Typed or printed name of person mailing)

)   
(Signature of person mailing)

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

OFFER OF SURRENDER UNDER 37 C.F.R. §1.178

Sir:

In accordance with 37 C.F.R. §1.178, the assignee of  
the entire interest, Surgical Acuity, Inc. offers to surrender  
United States Patent No. 5,667,291 entitled ILLUMINATION ASSEMBLY  
FOR DENTAL AND MEDICAL APPLICATIONS.

SURGICAL ACUITY, INC.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Brian L. Wilt

Title: Vice President of Operations  
Surgical Acuity, Inc.